

IN RE:
PETITION FOR SPECIAL HEARING
W/S LODGE FARM ROAD,
1061 SW OF SYCAMORE AVENUE
(2722 LODGE FARM ROAD)
15TH ELECTION DISTRICT,
7TH COUNCILMANIC
R. DOWDY, ET UX.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No.: 90-310-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Special Hearing to approve the non-conforming use of a seven (7) unit apartment dwelling at 2722 Lodge Farm Road as more particularly described in Petitioners' Exhibit 1.

The Petitioners appeared, testified, and were represented by Anthony J. DiPaola, Esquire. All those appearing on behalf of the Petition were Reginald and Richetta Dowdy, Contract Purchasers/Petitioners; Erma Lewis, legal owner of the property who joined in the petition and is under contract to sell the property to the Dowdys; Gertrude Betts, a relative of the Dowdys who has lived around the corner from the subject property for her entire life of approximately seventy (70) years; Charles Dowdy who is Gertrude Betts' brother-in-law and who performed some work on the subject property in the early 1950's; and Marjorie Evans, eldest daughter of Erma Lewis who testified that she recalls the subject improvements being built and modified in the early 1950's when she

was in her early teens. There were no protestants in attendance at the hearing. Present solely as an observer was Margaret Harlow, a realtor involved in the transaction.

Testimony indicated that the subject property known as 2722 Lodge Farm Road presently contains seven (7) apartments. Testimony further indicated that Erma Lewis and her husband purchased the property in 1948 as an unimproved parcel of ground, and that shortly after their purchase, they constructed the improvements as a five (5) unit apartment dwelling. Within three (3) years after their purchase, sometime in approximately 1951, two (2) large rooms located on the first floor of the building were converted into efficiency apartments, thereby increasing the total number of units to seven (7). Testimony further indicated that the property has been continuously used as a seven (7) unit apartment dwelling since that time.

Richetta Dowdy testified that she and her husband are contract purchasers of the property. She further identified four (4) photographs of the building, marked and received as Exhibit 3, collectively.

The testimony of Charles Dowdy, Gertrude Betts, and Marjorie Evans, was proffered by Mr. DiPaola as follows: Ms. Betts has lived in the neighborhood for her entire life, and recalls the building having been built in 1949. She knew the Lewis', and would periodically pass by the building, and to the best of her

knowledge, the building always appeared to be fully occupied and rented. Mr. Charles Dowdy knew Mr. Lewis since they both worked at the same department at Bethlehem Steel. He was hired to wallpaper several of the apartment units in the early 1950's, and recalls that there were seven (7) units at that time. He too would frequently visit the area due to the fact that relatives lived in the immediate vicinity. Marjorie Evans, eldest daughter of Mrs. Lewis, recalls that she was approximately twelve (12) years old when her parents purchased the property and constructed the building, and further recalls that it was only a few years thereafter that the other two (2) dwelling units were added. Her testimony would have further been that her mother has managed the property on her own since that time, and that same has been continuously occupied but for short vacancies due to changes in tenants.

Received as Petitioners' Exhibit 2 was a drawing sealed by Frank Lee, Registered Surveyor, showing the internal dimensions of the building and the number of square feet attributable to each of the seven (7) dwelling units. Exhibit 2 was identified by Mrs. Lewis as being an accurate representation of the layout of the building. Mrs. Lewis also confirmed that all of the units share a common heating source through the use of a boiler system.

According to other evidence presented, the subject property was first zoned in 1945 as "E" Commercial. Subsequently,

as shown on the 1955 Official Zoning Maps, the property was zoned R6-13. The Baltimore County Zoning Regulations as they existed in 1945 with respect to uses in a "E" Commercial zone provided that:

Except as expressly provided in subsequent sections, any building or structure or land may be used and any building or structure may be hereafter erected, altered, repaired or used for any use or uses except the following:

The uses listed thereunder appear to be heavy industrial. The only qualification to this blanket authorization is contained in Subsection E which provides that "all residential structures shall comply with area requirements for such structures as hereinbefore set forth." This residential use as an apartment house would have been permitted under the "C" Residence Zone, and the area regulations related thereto would have required the minimum gross lot area per dwelling unit to be 625 square feet. This use appears to meet that qualification, with a total lot area of 7,375.69 square feet of land, more or less. Furthermore, this use meets the definition of "apartment house" as contained in the 1945 Regulations, and therefore was a valid and legal use until the adoption of the 1955 Zoning Ordinance.

Based upon the testimony and evidence presented, it is clear that the non-conforming use of 2722 Lodge Farm Road as a seven (7) unit apartment dwelling does exist and that such use has been continuous and uninterrupted without change or expansion.

ORDER RECEIVED FOR FILING
Date 2/12/90
By M. J. Smith

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of February, 1990, that the Petition for Special Hearing to approve the non-conforming use of one seven (7) unit apartment dwelling at 2722 Lodge Farm Road, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, from and after the date of this Order.

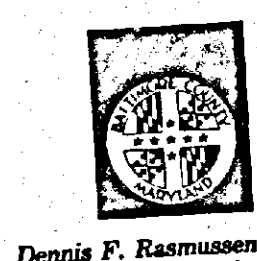
J. Robert Haines
Zoning Commissioner for Baltimore County

90-02-24.cb

ORDER RECEIVED FOR FILING
Date 2/12/90
By M. J. Smith

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 12, 1990



Anthony J. DiPaola, Esquire
Covahey and Bozacek, P.A.
614 Bosley Avenue
Townson, Maryland 21204

RE: Petition for Special Hearing
R. Dowdy, et ux, Petitioners
Case 90-310-SPH

Dear Mr. DiPaola:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
att/:
cc: Peoples Counsel

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-310-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non-conforming use of a seven (7) unit apartment building in a DR-3.5 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Reginald Dowdy and Richetta R. Dowdy (Type or Print Name) Signature 7230 Orth Road Address Baltimore, Maryland 21219 City and State	Legal Owner(s): Erma Lewis (Type or Print Name) Signature (Type or Print Name) Signature 2423 Lincoln Avenue Address Baltimore, Maryland 21219 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Anthony J. DiPaola Name 614 Bosley Ave. Address 828-9441 Phone No.
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ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of Dec, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 7 day of Feb, 1990, at 7:30 o'clock A.M.

FILED 11/14/89 BY JLL
ANY TIME OR DAY
1 HR. HEARING TIME.
J. Robert Haines
Zoning Commissioner of Baltimore County

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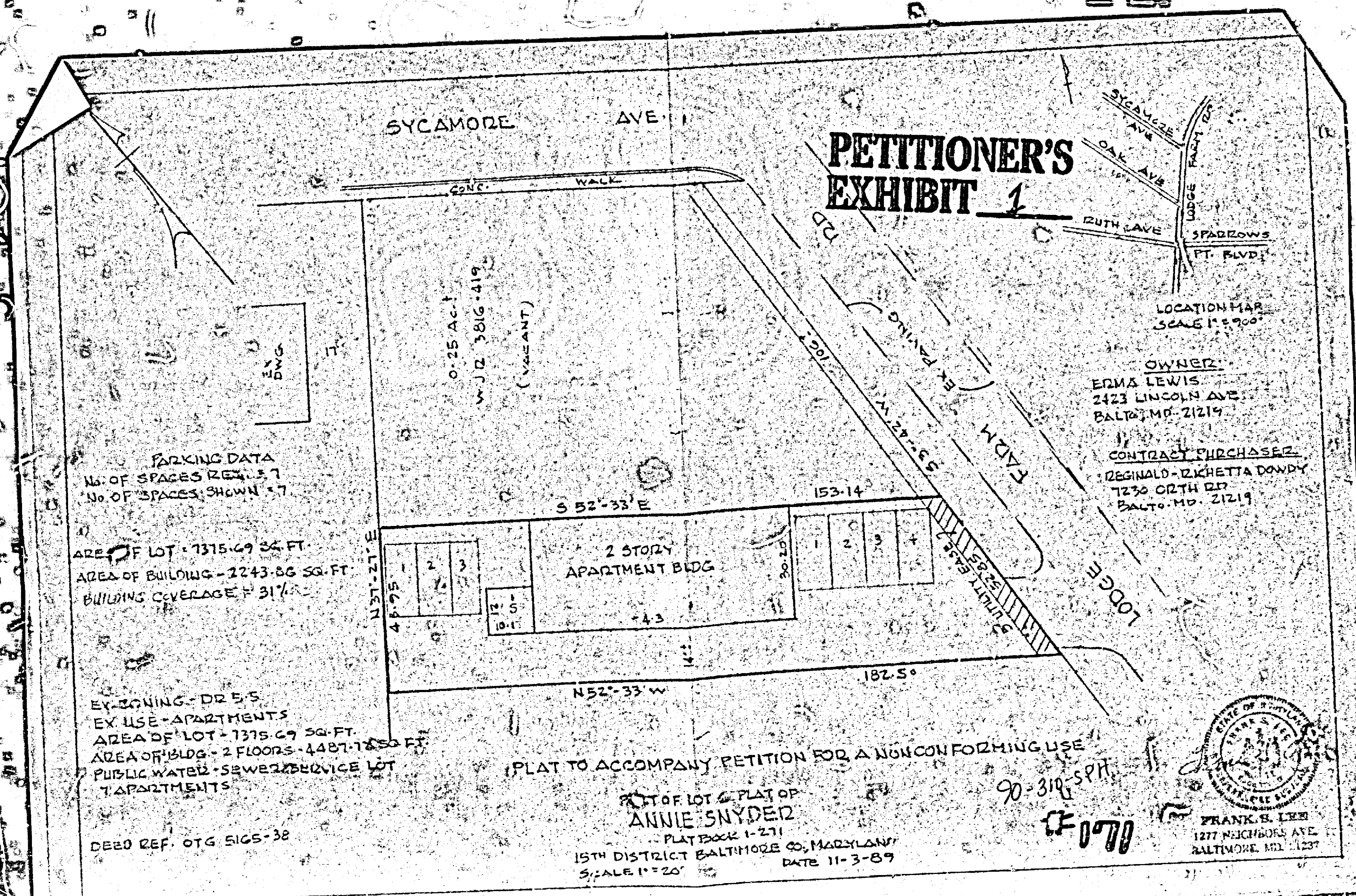
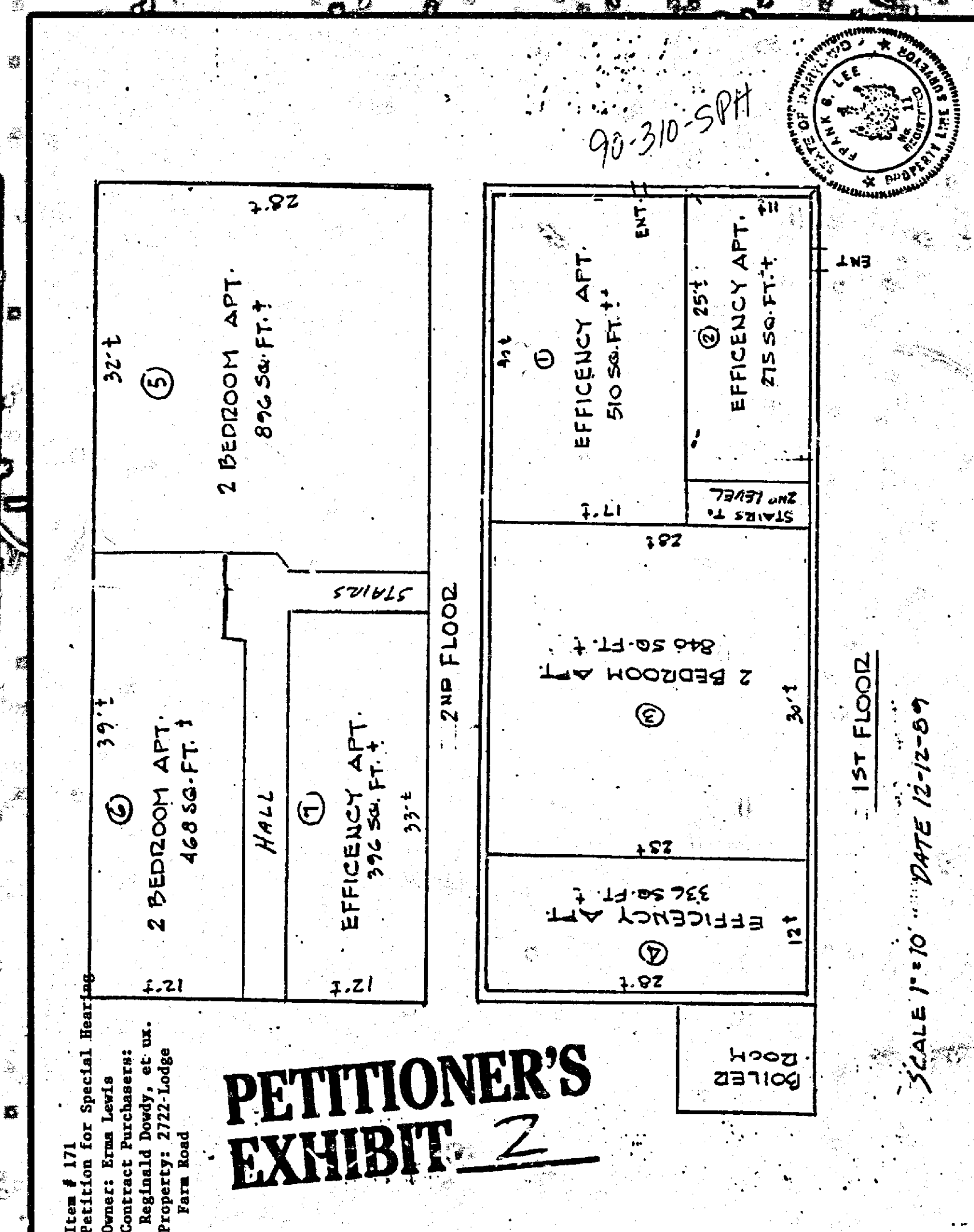
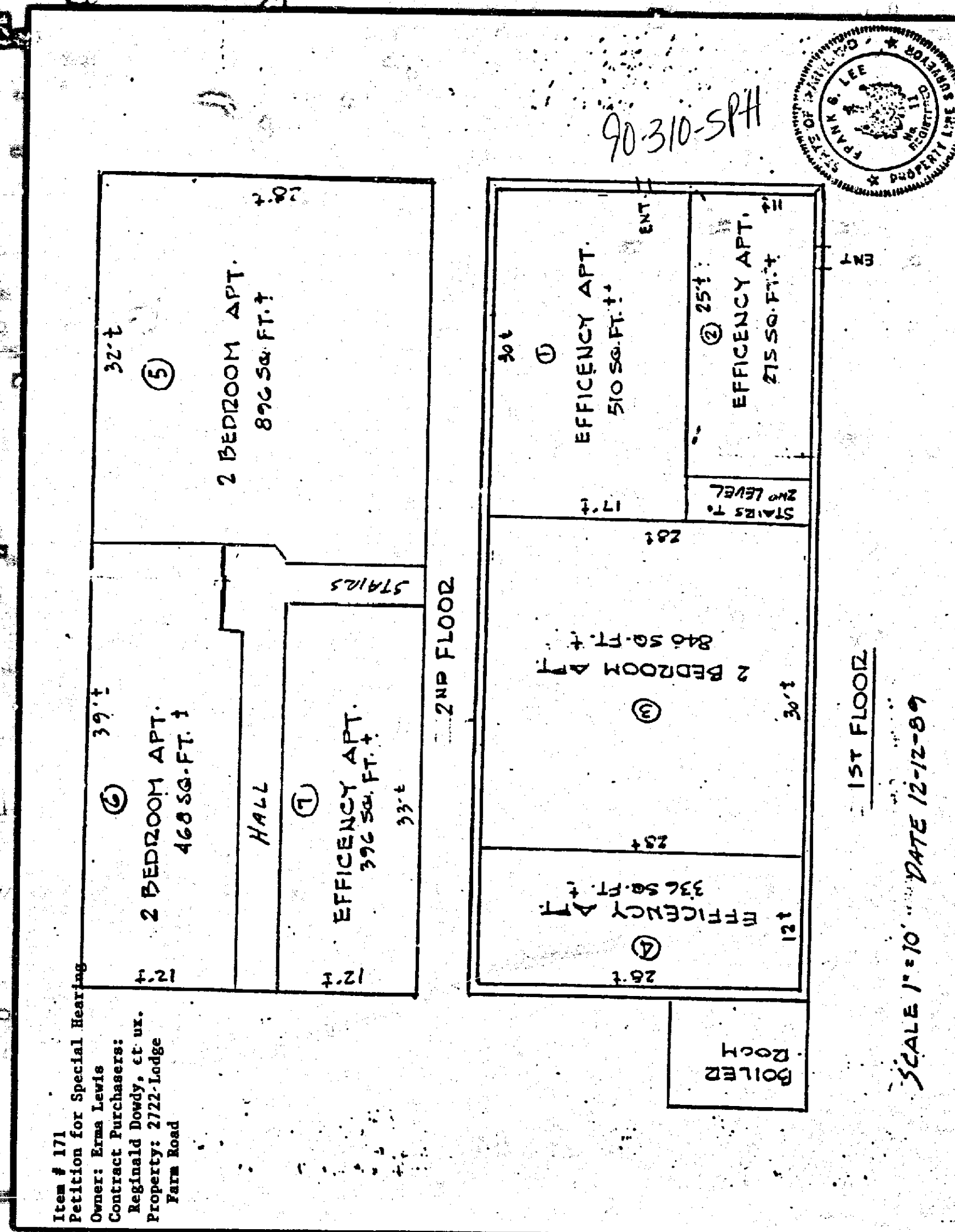
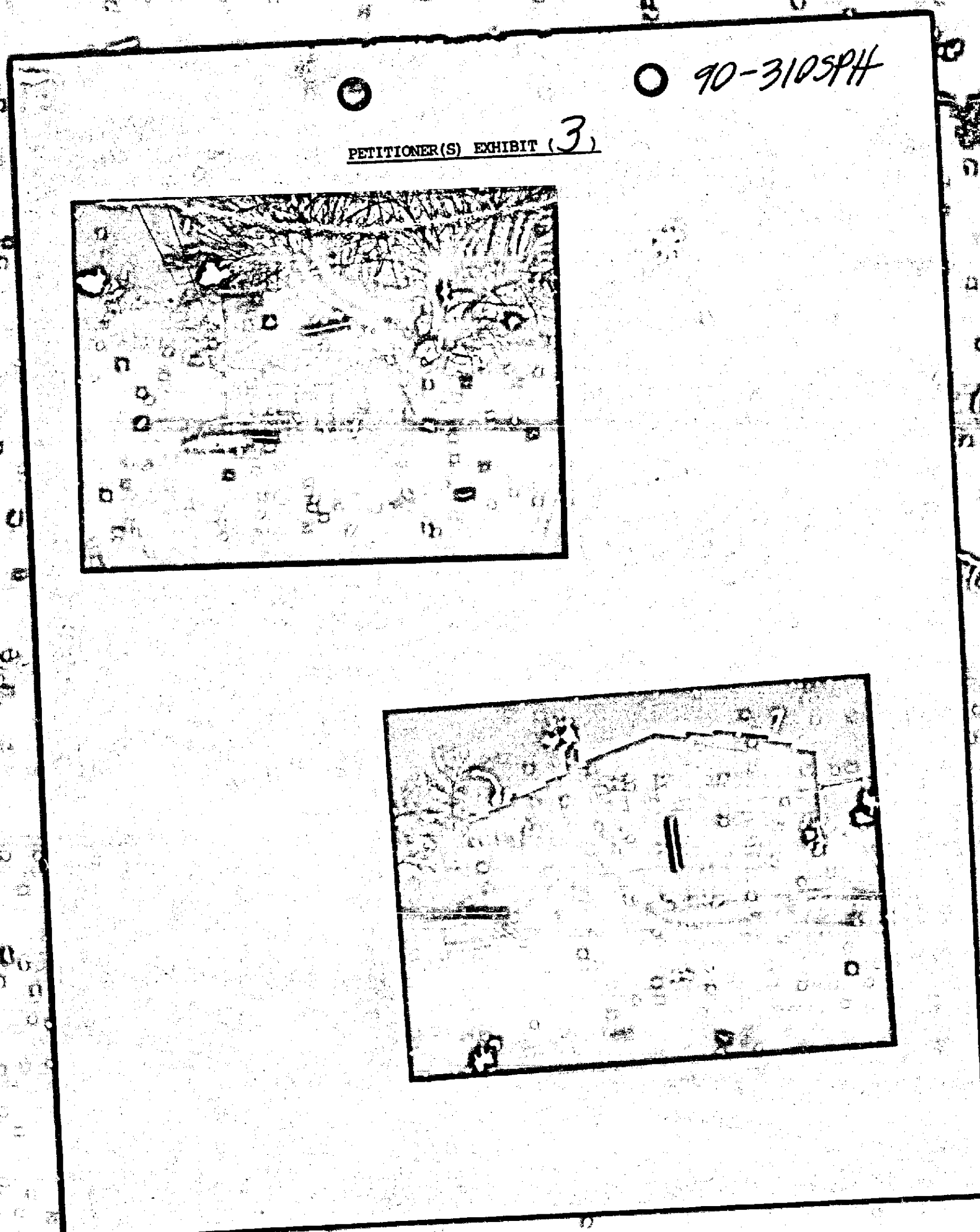
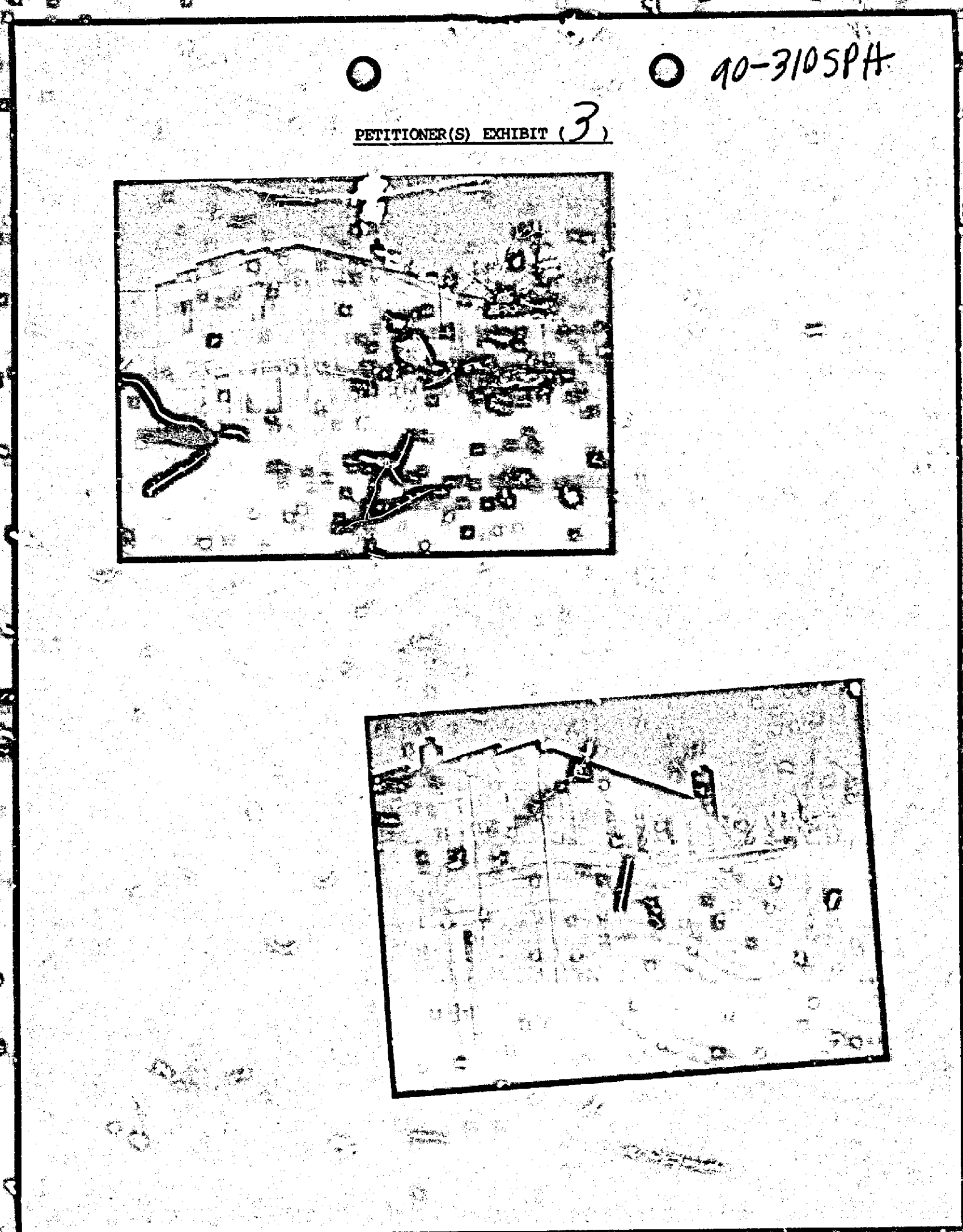
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J. Robert Haines
Zoning Commissioner of Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

January 23, 1990

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, MD 21204

RE: Item No. 171, Case No. 90-310-SPH
Petitioner: Erma Lewis
Petition for Special Hearing

Dear Mr. DiPaula:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIA WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Erma Lewis
Mr. Richard R. Dowdy

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
6th day of December, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Erma Lewis

Petitioner's Attorney: Anthony J. DiPaula

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 10, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Erma Lewis, Item 171
Zoning Petition No. 90-310

The Petitioner requests a Special Hearing to establish the non-conforming use of a seven-apartment dwelling.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

JAN 11 1990

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4560

Paul H. Ratchko
Chief

DECEMBER 4, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Property Owner: ERMA LEWIS

Location: #2722 LODGE FARM ROAD

Item No.: 171

Gentlemen:

Zoning Agenda: DECEMBER 5, 1989

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988

REVIEWER: *Paul H. Ratchko*
Fire Department
Special Inspection Division

Noted and Approved
Paul H. Ratchko
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for December 5, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 172, 173, 174, 177 and 178.

For Item 172, the cover over the existing sewer is 7 feet to 10 feet and is adequate. Avoid damage to existing site manhole.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

DEC 27 1989

